



Executive Director's Report June 05, 2014

I. Administrative

- A. Website: We've updated information on our website. MNIT has shared that it may be able to start work on our website in the fall. We've put together a description of the website we would like to have; we'll work with MNIT to get a quote this summer.
- B. Hiring for Legislative Liaison Position: We interviewed four candidates last week. I expect to fill this position by July 1st, 2014.
- C. Financial Report: See Attachment A, *Manager's Financial Report*.
- D. Summer Visits with Legislators: Understanding better where key legislators are with regard to the ethnic advisory councils is important to CAPM's work between now and the convening of the 2015 legislative session. At this time, we have a small number of meetings scheduled.

II. Staff

- A. Legislative Liaison: Position will be filled by July 1, 2014.
- B. Staff Retreat: Staff participated in a 2 day retreat for the purpose of team building, reflections on the past 8 months, and updating the current work plan.
- C. Intern: We have an intern: Yang Zhang, a junior from Macalester College. He will be with us full-time during the summer, working on a project focused on the relationship between homelessness and health amongst API youth.

III. Projects/Programs

- A. CAPM Strategic Plan: Consultant has been brought on board to work with me on the 2014/2015 strategic plan. Expected completion date is September 2014.
- B. CAPM Policies and Procedures: Work continues. Expected completion date is September 2014.
- C. CAPM Brochure: Staff has been working on a CAPM brochure that can be used while CAPM is out and about in the community. A graphics designer has been obtained to finalize the brochure design. Completion date is August 2014, in time for the visits to greater Minnesota. For content, see Attachment B, *CAPM Brochure*.
- D. Early Childhood Education Report: Staff continues with the focus groups; upcoming focus groups involve the Cambodian and Vietnamese parents. The survey draft is completed; expected deployment date is July 2014.
- E. API Votes Advisory Committee: The last few months have been busy, but we expect that these meetings will be resumed soon.
- F. 2014 Heritage Dinner: The Dinner was held on May 9th – we saw a large turnout; overall, the dinner was successful. Final numbers will be presented at the July meeting.

IV. 2014 Legislative Session

The legislature ended on Friday, May 16th. The following are highlights of the efforts CAPM dedicated staff time to:

- A. H.F. 3081 – CAPM Bill on API Women & Children: Passed the House Government Relations Committee, referred to House Human Services Finance Committee; passed the



Senate State and Local Government Committee, referred to Finance. Bill journey ended here.

- B. H.F. 2112 – HOME Bill: Passed Housing Policy and Finance Committees, Ways and Means Committee, and was amended with permission to Representative Simon’s Bill H.F. 859 with Republican support. H.F. 859 includes language that the MHFA will collaborate with the ethnic councils in the implementation of its \$10M pilot project designed to assist cultural communities with the opportunity to become homeowners through more accessible mortgage financing and enhanced financial capacity training to increase the probability of successful homeownership.
- C. H.F. 3062 – the Learning for Academic Proficiency and Success (LEAPS) Act: Most key provisions were passed and included in S.F. 767, the Education Omnibus Bill (some have financial implications and were moved into the Supplemental Budget Bill, H.F. 3172). Key provisions from the LEAPS Act include:
- The Teacher Discretion for exiting students from ELL Services, which extends the ability of an ELL student to remain eligible for continued ELL services if determined by the classroom teacher that such services would still be necessary.
 - The 5 to 6 Year Extension of state funds for ELL Services, which raises the current resource cap of 5 years to 6 years for a student to receive state funded ELL services. *The benefits to schools total \$5.6 million per year in additional funds for ELL students.*
- D. H.F. 826 – Safe Schools Act: Passed; defines bullying; gives students, teachers and administrators tools to address bullying; allows individual districts to come up with their own anti-bullying policies; provides funding for implementation.
- E. H.F. 3172 – Supplemental Budget Bill: In addition to the \$5.6 million per year in additional funds for ELL students:
- \$4.65 million in funding for pre-kindergarten scholarships, as well as additional money for ECFE and School Readiness.
 - \$50,000.0 in funding to MDHR for the purpose of gathering community input on the role and responsibilities of the ethnic councils.
- F. S.F. 2903/H.F. 3333 – Legislation re Councils of Color: Senator Champion introduced this bill proposing to transfer the ethnic councils to the MN Department of Human Rights; Rep. Moran chief authored in the House. For specific language, see Attachment C, S.F. 2903.
- G. Senate’s Select Committee on Disparities and Opportunities: A bi-partisan committee co-chaired by Senators Champion and Hayden; one of its objectives is to explore legislative proposals for the 2015 legislative. The committee has only met once – testifiers were department heads such as Commissioners of DEED and Human Rights.

We did not have the capacity to spend time on the following; nonetheless, they will significantly impact many of our Asian Pacific Minnesotan families:

- H. Minimum Wage: Passed; will phase in an increase in the state’s minimum wage to \$9.50 in 2016. The minimum wage will be indexed to inflation beginning in 2018 under the oversight of the Minnesota Department of Labor and Industry (DOLI).
- I. Women’s Economic Security Act: Passed; a collection of proposed reforms aimed at ensuring women have equal opportunity and pay. Key components of WESA: pay



equity; increasing women workforce in nontraditional occupations; workplace protections for women; expansion of sick leave; and retirement security.

- J. Omnibus Supplemental Bill: Makes a significant investment in our state's education system – \$54M total
- \$23.4 million which will be used to boost the Basic Funding Formula (this equals \$25 more per student).
 - Pre-K: \$11 million in three programs to ensure that every child is ready for kindergarten (pre-K scholarships, ECFE, and School Readiness Aid).
 - K-12 academic achievement: \$1 million for the Minnesota Reading Corps, \$4.9 million for the English Language Learner Program and \$350,000 each for the Promise Neighborhood Program and Northside Achievement Zone.
 - \$3.5 million to allow students who qualify for reduced-price lunch to have free lunch.
- K. Omnibus Education Policy: Makes a number of changes to the state's education system – two highlights:
- Created an **Adult High School Diploma** Task Force charged with developing program requirements for adult basic education leading to a standard adult high school diploma.
 - Will reward and recognize high school graduates who demonstrate native proficiency in listening, speaking, reading and writing a foreign language with **state bilingual and multilingual seals**.
- L. Capital Investment Bonding Bill: Additional language addressing housing disparities (Rep. Clark). MHFA received \$100 million dollars (\$20M for rehab of existing public housing, \$80M for rehab of other housing and creation of new affordable housing).

V. **Government Relations**

- A. MN Department of Health (MDH): Quarterly meetings between councils of color and Commissioner Ehlinger re health disparities. In addition, we've (CAPM) requested to meet with Assistant Commissioner Ayers to talk about how we might work together to prepare for the next legislative session.
- B. Office of Multicultural and Minority Health (OMMH) Advisory Committee: The last meeting was April 4th, which I was not able to attend.
- C. Cultural and Ethnic Leadership Council (CELC/DHS): CAPM is mandated to participate on this council. This council meets once a month for 4+ hours each time. The most recent developments include the establishment of subcommittees to work on specific issues and eventually make policy recommendations; CAPM is on the Cultural and Linguistic Competency Subcommittee.
- D. Senior Leadership Team (to the Interagency Council on Ending Homelessness): Meets at the call of the State Director (MHFA). From the last meeting of the Commissioners, on May 26th: covered some highlights of some of the work to date, the latest research from the U of M on homeless families, the most recent point-in-time data, and touched on some of the parts of the plan that will require some attention in the budget process and 2015 legislative session. The SLT will meet in late June 2014.
- E. Governor's Office: Micah Hines, the General Counsel, is on maternity leave; her replacement is Kathryn Troyer. Kathryn and I met with on Wednesday, May 28th. We



- ended our meeting with the conclusion that, given the OLA report and the process it has triggered, we will be meeting on a regular basis, one-on-one and with the other ethnic council executive directors. Next meeting is in July.
- F. USDA: I presented to a group of 17 employees of the USDA-Minnesota Farm Service Agency (FSA) as part of their celebration of the 2014 AAPI Heritage Month. Will meet with the State Executive Director Deb Crusoe sometime in July to talk about how USDA (FSA) can better assist API immigrant farmers.
 - G. City of Minneapolis: Our office has started talking with and will be meeting with the Southeast Asian Access and Outreach Specialist in early June to talk about how CAPM and the Minneapolis Mayor's Office can work together.
 - H. City of Saint Paul: Our office has started talking with and will be meeting with St. Paul Councilmember Dai Thao in July to talk about how CAPM and the St. Paul City Council can better work together.

VI. Community Partnerships

- A. Equity for All Minnesotans: With our other councils of color and community partners, we participated in efforts (press conference and meetings with legislators) to get a legislative hearing on the MDH's Health Equity Report. This group was critical to getting the legislative hearing that was held on May 16th, which I attended; no public comments were taken at this time.
- B. HOME Equity Collaborative: Consists of entities that supported and actively advocated for the HOME bill during the 2014 legislative session; includes the state ethnic councils, community based organizations, the African American Leadership Forum, and other mainstream organizations. This collaborative has already met once since the session to talk about lessons learned from the session, strategies for the interim period, and objectives for the 2015 session.

VII. Community Outreach

- A. Attended the White House Initiative on Asian Americans and Pacific Islanders' Convening of Stakeholders (May 5&6)
- B. Spoke at 2014 Hmong American Day (May 14th)
- C. Visit with API communities in Rochester, MN (May 21st)
- D. Attended Fil-Minnesotans board induction event (May 31st)



MANAGER'S FINANCIAL REPORT

Run DateTime: 5/27/2014 1:53 PM
 Source Report #: KK002
 As of Date: 05/27/2014

Selection Criteria: Budget Period - 2014, Fund - 1000 to 6000, DeptID - G9N30000 to G9N3ZZZZ, AppropID - G9N0000 to G9NZZZZ

Break On: Budget Period, Fund, DeptID, AppropID

Budget Period: 2014	Fund: 1000	DeptID: G9N31000	AppropID: G9N1100
	General	Asian-Pacific Council	Asian Pacific Council Ops

Remaining Payroll Projection	Full-Time (41000): \$37,368.10	Part-Time (41030): \$0.00	Total: \$37,368.10
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Account Class and Description	Current Budget	Pre-Encumbered	Encumbered/Committed	Expended	Unobligated	Unexpended
41000 Full Time - Salary	201,627.91	0.00	28,780.58	172,847.33	0.00	28,780.58
41030 Part-Time-Seasonal-Labor Serv	5,010.09	0.00	0.81	5,009.28	0.00	0.81
41050 Overtime and Premium Pay	100.00	0.00	100.00	0.00	0.00	100.00
41070 Other Employee Cost	6,000.00	0.00	2,727.99	3,272.01	0.00	2,727.99
41100 Space Rental And Utilities	23,000.00	0.00	1,927.29	17,688.51	3,384.20	5,311.49
41110 Printing And Advertising	4,000.00	0.00	386.09	1,466.57	2,147.34	2,533.43
41130 Prof-Tech Serv-Outside Vend	36,000.00	0.00	13,670.00	2,950.00	19,380.00	33,050.00
41150 Computer and System Services	0.00	0.00	0.00	0.00	0.00	0.00
41155 Communications	3,000.00	0.00	1,041.13	458.87	1,500.00	2,541.13
41160 Trav-Sub-InState-Border Comm	10,000.00	0.00	2,828.20	3,519.73	3,652.07	6,480.27
41170 Trav/Sub-OutOfState-BorderComm	100.00	0.00	0.00	55.00	45.00	45.00
41180 Employee Development	2,200.00	0.00	0.00	1,679.00	521.00	521.00
41196 Centralized IT Services	0.00	0.00	0.00	0.00	0.00	0.00
41300 Supplies	4,700.00	0.00	1,747.59	2,942.38	10.03	1,757.62
41400 Equipment	4,500.00	0.00	31.22	1,603.42	2,865.36	2,896.58
41500 Repairs To Equip & Furn	3,000.00	0.00	0.00	1,940.55	1,059.45	1,059.45
42010 Statewide Indirect Costs	500.00	0.00	0.00	0.00	500.00	500.00
43000 Other Operating Costs	37,262.00	0.00	2,883.22	5,185.46	29,193.32	32,076.54
47160 Equipment-Non Capital	3,000.00	0.00	0.00	542.43	2,457.57	2,457.57
Total	344,000.00	0.00	56,124.12	221,160.54	66,715.34	122,839.46

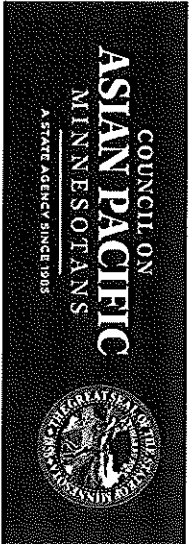
Attachment A

How to Engage

Every year, there are many opportunities for you to participate in the policy-making process. The Council is here to help Asian Pacific Minnesotans harness our collective power. We want to hear from you!

Ways you can engage:

- ◇ Contact our office with your questions, thoughts, comments, and ideas
- ◇ Testify before legislative committees on a critical issue
- ◇ Contact your legislators on a regular basis, including meeting, phone call, and email
- ◇ Turn out to vote and decide who represents you
- ◇ Participate in community surveys, focus groups, forums, and other means to voice your ideas
- ◇ Attend Asian Pacific Islander Day at the Capitol
- ◇ Give a performance or speech at the annual Asian Heritage Dinner
- ◇ Intern or volunteer with CAPM or another state agency



WELCOME NOTE

The Executive Director's welcome note will go in this space.

From left to right: staff photo will go here

Executive Director—Sia Her
Capacity Director—Angelina Nguyen
Office Manager—Karina Yang
Legislative Liaison—

CONTACT US

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Saint Paul MN 55155
Phone: 651-757-1740
Fax: 651-297-8735
E-mail: capm@state.mn.us

Attachment B



COUNCIL ON ASIAN PACIFIC MINNESOTANS

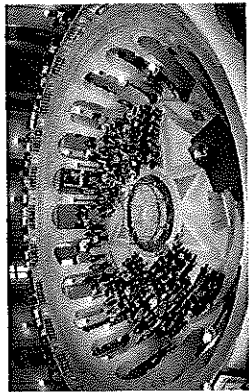
A STATE AGENCY SINCE 1985

"To advise the legislature and the governor on issues of importance to Asian Pacific Minnesotans, advocate on behalf of those issues, and serve as bridge for and between Asian Pacific Minnesotans and non-Asian Pacific Minnesotans."



CAPM, A State Agency

The Council on Asian Pacific Minnesotans (CAPM) is an independent, non-partisan state agency established by the Minnesota Legislature in 1985.



Asian Pacific Islander Day at the Capital

Our Charge

Pursuant to Minnesota Statute 3.9226, we are charged with the responsibility of *advising* the Legislature and Governor's Office on issues of importance to Asian Pacific Minnesotans, *advocating* on behalf of those issues, and serve as a *bridging* for and between Asian Pacific Minnesotans and non-Asian Pacific Minnesotans.

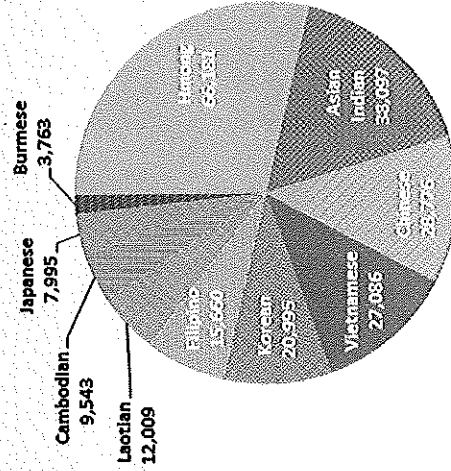
Governance

By Minnesota Statute 15.0575, the Governor appoints up to 19 community members, 2 State Representatives, and 2 State Senators to serve on the Board of Councilmembers, from which leadership and direction for CAPM originate.

Who We Serve

CAPM serves a diverse population of Asian Pacific Minnesotans from over 40 countries, the second-fastest growing racial population in the state.

Ten Largest Asian Populations



Source: U.S. Census Bureau, Census 2010, Summary File 1
*except Taiwanese

Common Issues

- ◇ Health and Human Services
- ◇ Education
- ◇ Civic Engagement
- ◇ Economic Development and Jobs
- ◇ Culture and Arts

What We Do

Our Strategies

The Council on Asian Pacific Minnesotans fulfills our mandate through three strategies:

- ◇ **Research & Information Analysis:** collaborate with key partners to collect, analyze, and report data relevant to law-makers and citizens.
- ◇ **Policy-making:** provide relevant information and advice to the Legislature to inform effective policy.
- ◇ **Citizen Outreach:** host, organize, and actively participate in issue forums, conferences, and trainings.
- ◇ **Facilitation & Coordination:** facilitate engagement, inclusion, and recognition activities.



Visit from His Holiness the 14th Dalai Lama

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2903

(SENATE AUTHORS: CHAMPION and Hayden)

DATE	D-PG	OFFICIAL STATUS
03/26/2014	6866	Introduction and first reading Referred to State and Local Government

1.1 A bill for an act
 1.2 relating to state government; transferring certain state councils to the Minnesota
 1.3 Department of Human Rights; creating an American Indian Liaison Office
 1.4 in Minnesota Management and Budget; amending Minnesota Statutes 2012,
 1.5 sections 3.9223, subdivision 5; 3.9225, subdivision 5; 3.9226, subdivision 5;
 1.6 307.08, as amended; 363A.06, by adding a subdivision; repealing Minnesota
 1.7 Statutes 2012, section 3.922, subdivisions 1, 3, 4, 5, 6, 7, 8, 10, 11.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2012, section 3.9223, subdivision 5, is amended to read:

1.10 Subd. 5. **Powers.** The council may contract in its own name. Contracts must be
 1.11 approved by a majority of the members of the council and executed by the chair and the
 1.12 executive director. The council may apply for, receive, and expend in its own name grants
 1.13 and gifts of money consistent with the power and duties specified in this section.

1.14 The council shall appoint an executive director who is experienced in administrative
 1.15 activities and familiar with the problems and needs of Chicano/Latino people. The council
 1.16 may delegate to the executive director powers and duties under this section that do not
 1.17 require council approval. The executive director and council staff serve in the unclassified
 1.18 service. ~~The executive director may be removed at any time by a majority vote of the~~
 1.19 ~~entire council. The executive director shall recommend to the council the appropriate~~
 1.20 ~~staffing necessary to carry out its duties. The commissioner of administration shall provide~~
 1.21 ~~the council with necessary administrative services. The commissioner of human rights~~
 1.22 shall also prescribe the duties of the executive director and have oversight of work plans
 1.23 and performance measures that meet outcomes for transparency and accountability.

1.24 Sec. 2. Minnesota Statutes 2012, section 3.9225, subdivision 5, is amended to read:

2.1 Subd. 5. Powers. (a) The council may contract in its own name, but no money shall
 2.2 be accepted or received as a loan nor indebtedness incurred except as otherwise provided
 2.3 by law. Contracts shall be approved by a majority of the members of the council and
 2.4 executed by the chair and the executive director. The council may apply for, receive, and
 2.5 expend in its own name grants and gifts of money consistent with the power and duties
 2.6 specified in subdivisions 1 to 7.

2.7 (b) The council may solicit and accept payments for advertising, use of exhibition
 2.8 space, or commemorative videos or other items in connection with publications, events,
 2.9 media productions, and informational programs that are sponsored by the council. These
 2.10 revenues must be deposited in an account in the special revenue fund and are appropriated
 2.11 to the council Minnesota Department of Human Rights to defray costs of publications,
 2.12 events, media productions, or informational programs consistent with the powers and
 2.13 duties specified in subdivisions 1 to 7. The council may not publish advertising or provide
 2.14 exhibition space for any elected official or candidate for elective office. The council must
 2.15 report by January 15 each year to the chairs and ranking minority members of the house
 2.16 of representatives and senate funding divisions with jurisdiction over the council on the
 2.17 amount and source of each payment received under this paragraph in the prior fiscal year.

2.18 (c) The council shall appoint an executive director who is experienced in
 2.19 administrative activities and familiar with the problems and needs of Black people. The
 2.20 council may delegate to the executive director powers and duties under subdivisions 1
 2.21 to 7 which do not require council approval. The commissioner of human rights shall
 2.22 also prescribe the duties of the executive director and have oversight of work plans and
 2.23 performance measures that meet outcomes for transparency and accountability. The
 2.24 executive director serves in the unclassified service ~~and may be removed at any time by~~
 2.25 ~~the council. The executive director shall recommend to the council, and the council may~~
 2.26 ~~appoint the appropriate staff necessary to carry out its duties.~~ Staff members serve in the
 2.27 unclassified service. ~~The commissioner of administration shall provide the council with~~
 2.28 ~~necessary administrative services.~~

2.29 Sec. 3. Minnesota Statutes 2012, section 3.9226, subdivision 5, is amended to read:

2.30 Subd. 5. Powers. (a) The council may contract in its own name but may not accept
 2.31 or receive a loan or incur indebtedness except as otherwise provided by law. Contracts
 2.32 must be approved by a majority of the members of the council and executed by the chair
 2.33 and the executive director. The council may apply for, receive, and expend in its own name
 2.34 grants and gifts of money consistent with the powers and duties specified in this section.

3.1 (b) The council shall appoint an executive director who is experienced in
 3.2 administrative activities and familiar with the problems and needs of Asian-Pacific people.
 3.3 The council may delegate to the executive director powers and duties under this section that
 3.4 do not require council approval. The commissioner of human rights shall also prescribe
 3.5 the duties of the executive director and have oversight of work plans and performance
 3.6 measures that meet outcomes for transparency and accountability. The executive director
 3.7 serves in the unclassified service ~~and may be removed at any time by the council.~~ The
 3.8 executive director shall appoint the appropriate staff necessary to carry out the duties of
 3.9 the council. All staff members serve in the unclassified service. ~~The commissioner of~~
 3.10 ~~administration shall provide the council with necessary administrative services.~~

3.11 Sec. 4. Minnesota Statutes 2012, section 307.08, as amended by Laws 2013, chapter
 3.12 142, article 3, section 36, is amended to read:

3.13 **307.08 DAMAGES; ILLEGAL MOLESTATION OF HUMAN REMAINS;**
 3.14 **BURIALS; CEMETERIES; PENALTY; AUTHENTICATION.**

3.15 Subdivision 1. **Legislative intent; scope.** It is a declaration and statement of
 3.16 legislative intent that all human burials, human remains, and human burial grounds shall
 3.17 be accorded equal treatment and respect for human dignity without reference to their
 3.18 ethnic origins, cultural backgrounds, or religious affiliations. The provisions of this
 3.19 section shall apply to all human burials, human remains, or human burial grounds found
 3.20 on or in all public or private lands or waters in Minnesota.

3.21 Subd. 2. **Felony; gross misdemeanor.** (a) A person who intentionally, willfully,
 3.22 and knowingly does any of the following is guilty of a felony:

3.23 (1) destroys, mutilates, or injures human burials or human burial grounds; or

3.24 (2) without the consent of the appropriate authority, disturbs human burial grounds
 3.25 or removes human remains.

3.26 (b) A person who, without the consent of the appropriate authority and the
 3.27 landowner, intentionally, willfully, and knowingly does any of the following is guilty
 3.28 of a gross misdemeanor:

3.29 (1) removes any tombstone, monument, or structure placed in any public or private
 3.30 cemetery or authenticated human burial ground; or

3.31 (2) removes any fence, railing, or other work erected for protection or ornament,
 3.32 or any tree, shrub, or plant or grave goods and artifacts within the limits of a public or
 3.33 private cemetery or authenticated human burial ground; or

3.34 (3) discharges any firearms upon or over the grounds of any public or private
 3.35 cemetery or authenticated burial ground.

4.1 Subd. 3. **Protective posting.** Upon the agreement of the appropriate authority and
4.2 the landowner, an authenticated or recorded human burial ground may be posted for
4.3 protective purposes every 75 feet around its perimeter with signs listing the activities
4.4 prohibited by subdivision 2 and the penalty for violation of it. Posting is at the discretion
4.5 of the American Indian Affairs Council Liaison Office in the case of Indian burials or at the
4.6 discretion of the state archaeologist in the case of non-Indian burials. This subdivision
4.7 does not require posting of a burial ground. The size, description, location, and
4.8 information on the signs used for protective posting must be approved by the appropriate
4.9 authority and the landowner.

4.10 Subd. 3a. **Authentication.** The state archaeologist shall authenticate all burial
4.11 grounds for purposes of this section. The state archaeologist may retain the services
4.12 of a qualified professional archaeologist, a qualified physical anthropologist, or other
4.13 appropriate experts for the purpose of gathering information that the state archaeologist
4.14 can use to authenticate or identify burial grounds. If probable Indian burial grounds are to
4.15 be disturbed or probable Indian remains analyzed, the American Indian Affairs Council
4.16 Liaison Office must approve the professional archaeologist, qualified anthropologist, or
4.17 other appropriate expert. Authentication is at the discretion of the state archaeologist
4.18 based on the needs identified in this section or upon request by an agency, a landowner, or
4.19 other appropriate authority.

4.20 Subd. 5. **Cost; use of data.** The cost of authentication, recording, surveying, and
4.21 marking burial grounds and the cost of identification, analysis, rescue, and reburial of
4.22 human remains on public lands or waters shall be the responsibility of the state or political
4.23 subdivision controlling the lands or waters. On private lands or waters these costs shall
4.24 be borne by the state, but may be borne by the landowner upon mutual agreement with
4.25 the state. The state archaeologist must make the data collected for this activity available
4.26 using standards adopted by the Office of MN.IT Services and geospatial technology
4.27 standards and guidelines published by the Minnesota Geospatial Information Office. Costs
4.28 associated with this data delivery must be borne by the state.

4.29 Subd. 7. **Remains found outside of recorded cemeteries.** All unidentified human
4.30 remains or burials found outside of recorded cemeteries or unplatted graves or burials
4.31 found within recorded cemeteries and in contexts which indicate antiquity greater than
4.32 50 years shall be dealt with according to the provisions of this section. If such burials
4.33 are not Indian or their ethnic identity cannot be ascertained, as determined by the state
4.34 archaeologist, they shall be dealt with in accordance with provisions established by
4.35 the state archaeologist and other appropriate authority. If such burials are Indian, as
4.36 determined by the state archaeologist, efforts shall be made by the state archaeologist and

5.1 the American Indian Affairs Council Liaison Office to ascertain their tribal identity. If
5.2 their probable tribal identity can be determined and the remains have been removed from
5.3 their original context, such remains shall be turned over to contemporary tribal leaders for
5.4 disposition. If tribal identity cannot be determined, the Indian remains must be dealt with in
5.5 accordance with provisions established by the state archaeologist and the American Indian
5.6 Affairs Council Liaison Office if they are from public land. If removed Indian remains
5.7 are from private land they shall be dealt with in accordance with provisions established
5.8 by the American Indian Affairs Council Liaison Office. If it is deemed desirable by the
5.9 state archaeologist or the American Indian Affairs Council Liaison Office, removed
5.10 remains shall be studied in a timely and respectful manner by a qualified professional
5.11 archaeologist or a qualified physical anthropologist before being delivered to tribal leaders
5.12 or before being reburied. Application by a landowner for permission to develop or disturb
5.13 nonburial areas within authenticated or recorded burial grounds shall be made to the state
5.14 archaeologist and other appropriate authority in the case of non-Indian burials and to the
5.15 American Indian Affairs Council Liaison Office and other appropriate authority in the
5.16 case of Indian burials. Landowners with authenticated or suspected human burial grounds
5.17 on their property are obligated to inform prospective buyers of the burial ground.

5.18 Subd. 8. **Burial ground relocation.** No non-Indian burial ground may be relocated
5.19 without the consent of the appropriate authority. No Indian burial ground may be relocated
5.20 unless the request to relocate is approved by the American Indian Affairs Council Liaison
5.21 Office. When a burial ground is located on public lands or waters, any burial relocation§
5.22 must be duly licensed under section 138.36 and the cost of removal is the responsibility
5.23 of and shall be paid by the state or political subdivision controlling the lands or waters.
5.24 If burial grounds are authenticated on private lands, efforts may be made by the state to
5.25 purchase and protect them instead of removing them to another location.

5.26 Subd. 9. **Interagency cooperation.** The Department of Natural Resources, the
5.27 Department of Transportation, and all other state agencies and local governmental units
5.28 whose activities may be affected, shall cooperate with the state archaeologist and the
5.29 American Indian Affairs Council Liaison Office to carry out the provisions of this section.

5.30 Subd. 10. **Construction and development plan review.** When human burials are
5.31 known or suspected to exist, on public lands or waters, the state or political subdivision
5.32 controlling the lands or waters or, in the case of private lands, the landowner or developer,
5.33 shall submit construction and development plans to the state archaeologist for review
5.34 prior to the time bids are advertised and prior to any disturbance within the burial area.
5.35 If the known or suspected burials are thought to be Indian, plans shall also be submitted
5.36 to the American Indian Affairs Council Liaison Office. The state archaeologist and the

6.1 American Indian Affairs Council Liaison Office shall review the plans within 30 days of
6.2 receipt and make recommendations for the preservation in place or removal of the human
6.3 burials or remains, which may be endangered by construction or development activities.

6.4 Subd. 11. **Burial sites data.** Burial sites locational and related data maintained
6.5 by the Office of the State Archaeologist and accessible through the office's "Unplatted
6.6 Burial Sites and Earthworks in Minnesota" Web site are security information for purposes
6.7 of section 13.37. Persons who gain access to the data maintained on the site are subject
6.8 to liability under section 13.08 and the penalty established by section 13.09 if they
6.9 improperly use or further disseminate the data.

6.10 Subd. 12. **Right of entry.** The state archaeologist may enter on property for the
6.11 purpose of authenticating burial sites. Only after obtaining permission from the property
6.12 owner or lessee, descendants of persons buried in burial grounds covered by this section
6.13 may enter the burial grounds for the purpose of conducting religious or commemorative
6.14 ceremonies. This right of entry must not unreasonably burden property owners or
6.15 unnecessarily restrict their use of the property.

6.16 Subd. 13. **Definitions.** As used in this section, the following terms have the
6.17 meanings given.

6.18 (a) "Abandoned cemetery" means a cemetery where the cemetery association has
6.19 disbanded or the cemetery is neglected and contains marked graves older than 50 years.

6.20 (b) "Appropriate authority" means:

6.21 (1) the trustees when the trustees have been legally defined to administer burial
6.22 grounds;

6.23 (2) the American Indian Affairs Council Liaison Office in the case of Indian burial
6.24 grounds lacking trustees;

6.25 (3) the county board in the case of abandoned cemeteries under section 306.243; and

6.26 (4) the state archaeologist in the case of non-Indian burial grounds lacking trustees
6.27 or not officially defined as abandoned.

6.28 (c) "Artifacts" means natural or artificial articles, objects, implements, or other
6.29 items of archaeological interest.

6.30 (d) "Authenticate" means to establish the presence of or high potential of human
6.31 burials or human skeletal remains being located in a discrete area, delimit the boundaries
6.32 of human burial grounds or graves, and attempt to determine the ethnic, cultural, or
6.33 religious affiliation of individuals interred.

6.34 (e) "Burial" means the organic remnants of the human body that were intentionally
6.35 interred as part of a mortuary process.

- 7.1 (f) "Burial ground" means a discrete location that is known to contain or has high
7.2 potential to contain human remains based on physical evidence, historical records, or
7.3 reliable informant accounts.
- 7.4 (g) "Cemetery" means a discrete location that is known to contain or intended to be
7.5 used for the interment of human remains.
- 7.6 (h) "Disturb" means any activity that significantly harms the physical integrity or
7.7 setting of a human burial or human burial ground.
- 7.8 (i) "Grave goods" means objects or artifacts directly associated with human burials or
7.9 human burial grounds that were placed as part of a mortuary ritual at the time of interment.
- 7.10 (j) "Human remains" means the calcified portion of the human body, not including
7.11 isolated teeth, or cremated remains deposited in a container or discrete feature.
- 7.12 (k) "Identification" means to analyze organic materials to attempt to determine if
7.13 they represent human remains and to attempt to establish the ethnic, cultural, or religious
7.14 affiliations of such remains.
- 7.15 (l) "Marked" means a burial that has a recognizable tombstone or obvious grave
7.16 marker in place or a legible sign identifying an area as a burial ground or cemetery.
- 7.17 (m) "Qualified physical anthropologist" means a specialist in identifying human
7.18 remains who holds an advanced degree in anthropology or a closely related field.
- 7.19 (n) "Qualified professional archaeologist" means an archaeologist who meets the
7.20 United States Secretary of the Interior's professional qualification standards in Code of
7.21 Federal Regulations, title 36, part 61, appendix A, or subsequent revisions.
- 7.22 (o) "Recorded cemetery" means a cemetery that has a surveyed plat filed in a
7.23 county recorder's office.
- 7.24 (p) "State" or "the state" means the state of Minnesota or an agency or official of the
7.25 state acting in an official capacity.
- 7.26 (q) "Trustees" means the recognized representatives of the original incorporators,
7.27 board of directors, or cemetery association.

7.28 Sec. 5. Minnesota Statutes 2012, section 363A.06, is amended by adding a subdivision
7.29 to read:

7.30 Subd. 1a. Oversight of councils of color. The commissioner shall establish
7.31 measurable outcomes for each council, taking into account the unique cultural practices of
7.32 each group represented by the respective council. As used in this subdivision, "measurable
7.33 outcomes" means outcomes, indicators, or other performance measures that may be
7.34 quantified when possible or otherwise measured in order to evaluate the effectiveness of
7.35 the councils in meeting intended goals or purposes. In addition to the duties required by

8.1 the respective council, the commissioner shall help establish work plans and performance
8.2 measures for executive directors that meet outcomes for transparency and accountability.

8.3 **Sec. 6. TRANSFER OF CERTAIN COUNCILS TO THE MINNESOTA**
8.4 **DEPARTMENT OF HUMAN RIGHTS.**

8.5 The Council on Affairs of Chicano/Latino People under section 3.9223; the
8.6 Council on Black Minnesotans under section 3.9225; and the Council on Asian-Pacific
8.7 Minnesotans under section 3.9226 are transferred to the Minnesota Department of Human
8.8 Rights under section 15.039. All the responsibilities, powers, duties, rights, obligations,
8.9 and other authority imposed by law on the specific councils is transferred to the Minnesota
8.10 Department of Human Rights pursuant to section 15.039. All personnel, appropriations,
8.11 contracts, and other organizational matters of each individual council named in this section
8.12 are transferred to the Minnesota Department of Human Rights pursuant to section 15.039.

8.13 **Sec. 7. COMMISSIONER OF HUMAN RIGHTS ADVISORY TASK FORCE.**

8.14 The commissioner of human rights shall convene a task force to study and make
8.15 recommendations to the legislature on creating advisory groups for cultural groups
8.16 now represented under the respective councils listed in section 6. The commissioner
8.17 shall engage representatives from the various groups now represented by the councils
8.18 listed in section 6 to serve on the task force. In addition, the governor shall appoint a
8.19 representative, and the majority and minority leaders of the house of representatives and
8.20 senate shall appoint one member each to serve on the task force. The task force shall issue
8.21 a report with recommendations to the legislature by January 15, 2015.

8.22 **Sec. 8. AMERICAN INDIAN LIAISON OFFICE.**

8.23 (a) The commissioner of Minnesota Management and Budget shall create an
8.24 American Indian Liaison Office in the Office of Minnesota Management and Budget.
8.25 Since tribal governments are considered "domestic dependent nations" by the federal
8.26 government, they have a unique and distinct relationship with federal and state
8.27 governments. The purpose of the American Indian Liaison Office is to provide liaison
8.28 services between the state and the eleven tribal governments in Minnesota. The liaison
8.29 office shall serve as the primary point of contact between the state and individual tribal
8.30 governments in Minnesota in order to maximize partnerships with tribal governments,
8.31 address tribal concerns, and work collaboratively to develop guidance on matters of
8.32 mutual tribal and state interests. In addition, the liaison office shall collaborate with other
8.33 state agencies to develop guidance on issues involving tribal governments.

9.1 **(b) The staff, resources, and appropriations of the Indian Affairs Council under**
9.2 **section 3.922 are transferred to Minnesota Management and Budget under section 15.039**
9.3 **to carry out the duties of the Indian Affairs Council. Matters pertaining to Indian burial**
9.4 **grounds and language revitalization shall continue under the American Indian Liaison**
9.5 **Office.**

9.6 **Sec. 9. REVISOR'S INSTRUCTION.**

9.7 **The revisor of statutes shall replace "Indian Affairs Council" with "American Indian**
9.8 **Liaison Office" wherever it appears in Minnesota Statutes and Minnesota Rules.**

9.9 **Sec. 10. REPEALER.**

9.10 **Minnesota Statutes 2012, section 3.922, subdivisions 1, 3, 4, 5, 6, 7, 8, 10, and 11,**
9.11 **are repealed when the American Indian Liaison Office under section 8 is operational.**

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3.922 INDIAN AFFAIRS COUNCIL.

Subdivision 1. Creation, membership. The state Indian Affairs Council is created to consist of the following members:

(1) one member of each of the following federally recognized tribes, designated by the elected tribal president or chairperson of the governing bodies of:

- the Fond du Lac Band;
 - the Grand Portage Band;
 - the Mille Lacs Band;
 - the White Earth Band;
 - the Bois Forte (Nett Lake) Band;
 - the Leech Lake Band;
 - the Red Lake Nation;
 - the Upper Sioux Community;
 - the Lower Sioux Community;
 - the Shakopee-Mdewakanton Sioux Community;
 - the Prairie Island Mdewakanton Dakota Community;
- (2) a member of the governor's official staff designated by the governor;
- the commissioner of education;
 - the commissioner of human services;
 - the commissioner of natural resources;
 - the commissioner of human rights;
 - the commissioner of employment and economic development;
 - the commissioner of corrections;
 - the commissioner of the Minnesota Housing Finance Agency;
 - the commissioner of Iron Range resources and rehabilitation;
 - the commissioner of health;
 - the commissioner of transportation;
 - the commissioner of veterans affairs;
 - the commissioner of administration;

Each of the commissioners listed in this clause may designate a staff member to serve on the council instead of the commissioner;

(3) two members of the house of representatives, appointed by the speaker; and

(4) two members of the senate, appointed by its Subcommittee on Committees.

Members appointed to represent the house of representatives or the senate shall no longer serve on the council when they are no longer members of the bodies which they represent and their offices shall be vacant. A member who is a designee of a tribal president or chairperson shall cease to be a member at the end of the term of the designating tribal president or chairperson. Only members of the council designated under clause (1) shall vote.

Subd. 3. Compensation; expenses. Compensation of members appointed under subdivision 1, clause (1), is as provided in section 15.0575. Because the council performs functions that are not purely advisory, the expiration dates provided in section 15.059 do not apply. Expenses of the council must be approved by two of any three members of the council designated by the council and then be paid in the same manner as other state expenses. The chair shall inform the commissioner of management and budget in writing of the names of the persons authorized to approve expenses.

Subd. 4. Meetings. Meetings may be called by the chair or at the written request of five members of the council. A majority of the voting members of the council is a quorum.

Subd. 5. Officers; personnel; authority. The council shall annually elect a chair and other officers as it may deem necessary. The chair may appoint subcommittees necessary to fulfill the duties of the council. It shall also employ and prescribe the duties of employees and agents as it deems necessary at the direction of elected tribal leaders. The compensation of the executive director of the council is as provided by section 43A.18. All employees are in the unclassified service. Appropriations and other funds of the council are subject to chapter 16C. The council may contract in its own name. Contracts must be approved by a majority of the members of the council with the approval of elected tribal leaders and executed by the chair and the executive director. The council may apply for, receive, and spend in its own name, grants and gifts of money consistent with the powers and duties specified in this section. The council shall maintain its primary office in Bemidji. It shall also maintain personnel and office space in St. Paul.

Subd. 6. Duties. The primary duties of the council are to:

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- (1) analyze and make recommendations to tribal elected leaders and to members of the legislature and the governor on legislation and information on programs, proposals, and projects of importance to tribal governments and nontribal Indian organizations;
- (2) assist in establishing Indian advisory councils in cooperation with state agencies that deliver services to the federally recognized tribes in Minnesota and the urban Indian communities;
- (3) assist state agencies in defining what groups, organizations, committees, councils, or individuals are eligible for delivery of their respective services;
- (4) assist in ensuring the provision of resources and the delivery of services to the federally recognized tribes in Minnesota and the urban Indian communities;
- (5) recommend to tribal governments and the state government the means to enhance the delivery of services to the members of federally recognized tribes in Minnesota by local, state, and national units of government;
- (6) assist state agencies in implementing and updating studies of services delivered to the federally recognized tribes in Minnesota and urban Indian communities;
- (7) provide, for the benefit of all levels of state government, a continuing liaison between state governmental bodies and elected tribal leaders;
- (8) interact with private organizations involved with Indian people that develop and implement programs to assist Indian people, when such programs may affect state agencies and departments;
- (9) develop educational programs, community organization programs, leadership development programs, motivational programs, and business development programs for Indian persons who have been, are, or may be subject to prejudice and discrimination;
- (10) review data provided by the commissioner of human services under section 260C.215, subdivision 5, and present recommendations to elected tribal leaders on the out-of-home placement of Indian children; and
- (11) prepare a proposed agenda for the annual summit of elected tribal leaders, legislative leaders, and the governor.

Subd. 7. **State officials and departments; cooperation.** In carrying out these objectives and to ascertain the needs of members of federally recognized tribes in Minnesota and urban Indian community members, the council shall have the right to confer with state officials and other governmental units and have access to records as necessary to obtain needed information. The council also shall have the right to call upon various state departments for technical advice and service as needed to fulfill its purposes.

Subd. 8. **Advisory board.** An advisory board on urban Indians shall advise the council on the unique problems and concerns of Minnesota Indians who reside in urban areas of the state. The board must be appointed by the council at the direction of the elected tribal leadership and consist of six Indians residing in the vicinity of Minneapolis, St. Paul, Bemidji, and Duluth. At least one member of the board must be a resident of each city. The terms, compensation, and removal of members are as provided in section 15.059, but the expiration dates provided in that section do not apply.

Subd. 10. **Rulemaking.** Notwithstanding other law, the council does not have authority to adopt, amend, or repeal rules or to adjudicate contested cases or appeals. Rules adopted before July 1, 2001, may continue in effect until amended or repealed by law.

Subd. 11. **Report.** The council shall prepare and submit a report to the governor and legislature by November 15 of each year. The report shall summarize the activities of the council since its last report, list receipts and expenditures, identify the major problems and issues confronting American Indian people, make recommendations to address issues, and list the specific objectives that the council seeks to attain during the biennium. The council shall report on outcome measures.

